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MONTANA LEGISLATIVE HISTORY

Chapter 694 19 83

Bill H 68 S _____ Original bill & history ✓ C

H. Committee on Natural Res		S. Committee on Natural Res.	
Hearing Date(s) 1-19	✓ C	Hearing Date(s) 2-16	✓ C
_____	___ C	3-16	✓ C
_____	___ C	_____	___ C
_____	___ C	_____	___ C
Date Out _____	___ C		

Did this bill originate in an interim committee? ___ Yes ___ No

Committee _____ Report _____

SIGNED: 2/4/83, CHAPTER 16

HB 67 -- HARPER -- TO PROVIDE FOR DIRECT REPEAL OF ADMINISTRATIVE RULES BY BILL; TO PROVIDE FOR LEGISLATIVE DIRECTION BY BILL OR LEGISLATIVE REQUEST OR ADVICE BY JOINT RESOLUTION OF AGENCY ADOPTION, AMENDMENT, OR REPEAL OF ADMINISTRATIVE RULES AND TO REQUIRE COMPLIANCE WITH THAT DIRECTION WHEN ADOPTED IN BILL FORM; AMENDING SECTION ....

BY REQUEST OF: THE ADMINISTRATIVE CODE COMMITTEE

INTRODUCED: 1/3/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 1/3/83
HEARING: 1/10/83
REPORT: 01/11/83, DO PASS, AS AMENDED
2ND READING: 01/13/83, DO PASS AYES: 93; NAYS: 1
3RD READING: 01/15/83, DO PASS AYES: 89; NAYS: 2

TRANSMITTED TO SENATE: 1/15/83
REFERRED TO COMMITTEE ON STATE ADMINISTRATION: 01/17/83
HEARING: 3/7/83
REPORT: 3/8/83, BE CONCURRED IN
2ND READING: 03/10/83 AYES: 49; NAYS: 0
3RD READING: 03/12/83 AYES: 46; NAYS: 1

RETURNED TO HOUSE: 3/12/83

TRANSMITTED TO GOVERNOR: 03/19/83
SIGNED: 03/22/83, CHAPTER 164

HB 68 -- HARPER -- LIMITING NOISE EMISSIONS FROM MOTORBOATS; PROVIDING MAXIMUM NOISE LEVELS; REQUIRING TESTING AND CERTIFICATION OF OUTBOARD MOTORS AND MARINE ENGINES; PROHIBITING REMOVAL OF NOISE SUPPRESSION DEVICES; ALLOWING CERTAIN EXCEPTIONS; PROHIBITING CONTRADICTORY REGULATIONS; AMENDING SECTION ...; AND PROVIDING A DELAYED EFFECTIVE DATE.

INTRODUCED: 1/3/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 1/3/83
HEARING: 1/19/83
REPORT: 01/25/83, DO PASS, AS AMENDED
2ND READING: 01/27/83, DO PASS, AS AMENDED AYES: 61; NAYS: 32
3RD READING: 01/29/83, DO PASS AYES: 66; NAYS: 24

TRANSMITTED TO SENATE: 1/29/83
REFERRED TO COMMITTEE ON NATURAL RESOURCES: 01/31/83
HEARING: 2/16/83
REPORT: 03/17/83, BE CONCURRED IN, AS AMENDED
2ND READING: 03/18/83, DO PASS, AS AMENDED AYES: 49; NAYS: 0
3RD READING: 03/21/83 AYES: 47; NAYS: 1

RETURNED TO HOUSE WITH AMENDMENTS: 3/21/83
2ND READING: 03/30/83, BE NOT CONCURRED IN AYES: 77; NAYS: 11

CONFERENCE COMMITTEE APPOINTED: 03/31/83
CONFERENCE COMMITTEE DISSOLVED: 4/18/83

FREE CONFERENCE COMMITTEE APPOINTED: 04/18/83

FREE CONFERENCE COMMITTEE REPORT: 4/20/83

HOUSE
2ND READING: 04/20/83, ADOPTED AYES: 80; NAYS: 11
3RD READING: 04/20/83, ADOPTED AYES: 85; NAYS: 12

SENATE
2ND READING: 04/20/83, BE ADOPTED AYES: 49; NAYS: 1
3RD READING: 04/21/83, BE ADOPTED AYES: 46; NAYS: 4

TRANSMITTED TO GOVERNOR: 4/21/83
SIGNED: 4/30/83, CHAPTER 694

HB 69 -- HANNAH, NORDTVEDT, HARPER, ET AL. -- TO DECONTROL MILK PRICES AT THE WHOLESALE AND RETAIL LEVELS; AMENDING SECTIONS ...; AND REPEALING SECTION....

INTRODUCED: 1/3/83
REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY: 1/3/83
HEARING: 1/14/83
REPORT: 01/17/83, DO NOT PASS, AS AMENDED
BILL KILLED: 01/18/83

HB 70 -- FABREGA, YARDLEY, KEYSER -- TO PROVIDE A CREDIT AGAINST INDIVIDUAL OR CORPORATE INCOME TAX LIABILITY FOR CAPITAL EXPENDITURES FOR COMMERCIAL SYSTEMS UTILIZING RECOGNIZED NONFOSSIL FORMS OF ENERGY GENERATION; PROVIDING FOR LIMITATION OF AND CARRYOVER OF THE CREDIT; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

INTRODUCED: 1/3/83
REFERRED TO HOUSE SELECT COMMITTEE ON ECONOMIC DEVELOPMENT: 01/06/83
HEARING: 1/26/83
DIED IN COMMITTEE

HB 71 -- ABRAMS -- TO ESTABLISH A FILING FEE TO BE PAID TO THE CLERK OF THE DISTRICT COURT FOR THE FILING OF CERTAIN ITEMS BY A DOMICILIARY FOREIGN PERSONAL REPRESENTATIVE OF THE ESTATE OF A NONRESIDENT DECEDENT....

INTRODUCED: 1/3/83
REFERRED TO COMMITTEE ON JUDICIARY: 1/3/83
HEARING: 1/10/83
REPORT: 01/10/83, DO PASS
2ND READING: 01/11/83, DO PASS AYES: 98; NAYS: 0
3RD READING: 01/13/83, DO PASS AYES: 95; NAYS: 0

TRANSMITTED TO SENATE: 1/13/83
REFERRED TO COMMITTEE ON JUDICIARY: 01/14/83
HEARING: 1/25/83
REPORT: 01/25/83, BE CONCURRED IN
2ND READING: 01/27/83 AYES: 48; NAYS: 0
3RD READING: 01/29/83 AYES: 48; NAYS: 0

RETURNED TO HOUSE: 1/29/83

TRANSMITTED TO GOVERNOR: 2/1/83
SIGNED: 2/3/83, CHAPTER 10

HB 72 -- ABRAMS -- TO ALLOW A CITY OR TOWN COUNCIL TO SET THE DATE FOR THE MONTHLY FINANCIAL REPORT OF THE CITY TREASURER OR TOWN CLERK; DELETING THE REQUIREMENT THAT SUCH REPORT BE MADE ON THE FIRST MONDAY OF EACH MONTH; AMENDING SECTION ...; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE.

STATEMENT OF INTENT

HOUSE BILL 68

House Natural Resources Committee

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982;

As prescribed in section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise must comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The Department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in section 1.

(3) the guidelines for the issuance of permits by local public entities excepting certain motorboat operators from compliance with the noise level restrictions contained in sections 1 through 5; the Department's guidelines shall only pertain to permit application procedures, permit fees, and duration of permit validity; and

(4) the procedures employed to determine whether or not a motorboat is technologically capable of complying with the noise level limits established in section 1.

As prescribed in section 4, the Department shall establish a manner of certification of motorboats that are determined to be technologically incapable of complying with section 1.

STATUS SHEET

HOUSE NATURAL RESOURCES COMMITTEE

48th Legislature

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date O
HB 8	Reverts certain mineral rights owned by other persons to the surface owner	1/3	Ryan	1/10	AND AS AMENDED DO PASS	1/31
HB 68	Limits noise emissions from motorboats; provides maximum noise levels; etc.	1/3	Harper	1/19	AND AS AMENDED DO PASS STATEMENT OF INTENT	1/21
HB 96	Clarify law relating to junk-yards along roads	1/5	Yardley	1/14	DO PASS	1/14
HB 98	Clarifies distinction between standards applicable to a new motor vehicle wrecking facility and those existing prior to July 1, 1973	1/5	Yardley	1/14	AND AS AMENDED DO PASS	1/19
HB 108	Allocates 5% of interest from RIT account for use by Cascade County Cons. Dist. to share cost of a 7-year flood control and irri. pro. for Muddy Creek	1/6	Manuel	1/21	DO PASS	2/11
HB 118	Increases maximum per lot fee chargeable for subdivision review	1/6	Harper	1/14	AND AS AMENDED DO PASS	2/16

Form CS-32
1-81

HOUSE NATURAL RESOURCES COMMITTEE MINUTES
January 19, 1983

The House Natural Resources Committee convened on Wednesday, January 19, 1983, in Room 224K of the State Capitol, at 12:30 p.m. with Vice-Chairman Ream presiding and all members present except Rep. Nordtvedt, who was absent, and Reps. Neuman and Quilici, who were excused. Vice-Chairman Ream opened the meeting to a hearing on HB 68.

HOUSE BILL 68

REPRESENTATIVE HAL HARPER, District 30, chief sponsor, said this bill was seen by the previous legislature and, if not passed, will be seen by future legislatures as there is a problem. There is no noise emission controls on motorboats. Off-the-road bikes is the only other motor vehicle not covered by emission controls. He said he felt the bill last year was killed because of a racing group from Washington that came in and opposed the way a state agency would be able to arbitrarily enforce and refuse to license. He said Mr. Miller of the Fish and Game Department was present to answer questions.

BILL CHRISTIANSEN, Canyon Ferry Recreation Association, said their association has 300-350 people who support the bill and he was speaking on their behalf. He said most of the boats manufactured other than racing boats comply with the standards already. The problem is these boats that do qualify when purchased can be altered. However, if a boat can be altered it could have the alteration reversed and again be under the needed standard. He said in fairness to racing boats the bill has language that permits can be had. He also suggested that perhaps with a little conversion the boats would be in compliance and could be used for other recreation also. He suggested taking the stacks and putting them in the water to exhaust them or if the stacks come up to put on mufflers.

WILLIAM LEARY, Canyon Ferry Recreation Association, said he owned a cabin close to Orchard Beach. He said the 300 members of the organization come from Butte, Bozeman, Great Falls, Helena and East Helena. He said many of the cabins are used on the weekends and become a refuge from the hassle of everyday life. He said for the past five years the high powered boats seem to have formed a habit of setting right off Orchard Beach and when they take off the noise is ear shattering. He said the Association looks at HB 68 as a reasonable approach to the task of limiting the noise factor. On all lakes this will help. The bill is fair to all parties. It permits racing of the boats and goes a long way to a future reduction of the noise factor that is disturbing to all people and could have some possible damage to the people who drive the boats. He urged the passage of the bill.

ROBERT M. MILLER, Safety Administrative Officer of the Department of Fish, Wildlife and Parks, spoke next and a copy of his testimony is Exhibit 1.

KEN HOOVESTOL, Montana Marine Trade Association, Great Falls, said this bill does not establish any new sound level as this level has been established under federal law. What it does is give the local enforcement people the ability to enforce it. He said all boats manufactured even prior to 1978 do comply with the standards. The boats that don't are the modified ones. He said his association represents retailers and resort owners. He said two years ago he personally wrote some of the amendments to protect the racers' rights.

DAVID B. LACKMAN, Montana Public Health Association, spoke in support and a copy of his testimony is Exhibit 2 of the minutes.

TOM HANSON, One Way Marine and Montana Boat and Ski Club, Inc., spoke in support. He mentioned the headers that can be used to modify the boats. He said they are quite an investment and make a nice looking boat. He added that mufflers can be used to retrofit inside the headers so they can be rectified without completely re-doing the exhaust system. He said the Montana Boat and Ski Club at their last meeting discussed this piece of legislation and endorsed it.

GORDON BRUCE, representing self, said he was a resident at Lakeside. He said the area has many year-round residents. He had a tape of the noise of the motorboats taken from within his home which he played for the committee.

RAY WHALE, representing self, said he lived on Magpie Bay and that you have to experience the loud cracking noise these boats produce as they practice up and down Magpie Bay to believe it.

HUGH KELLEHER, representing self, said he was one of the lucky ones that had a cabin on Canyon Ferry. He said he was especially aware of noise control because of his work at the airport. He had a handout that compared noise levels and a copy of this is Exhibit 3 of the minutes. This was to indicate just how loud 82 decibels is. He said it would still be a noise but a step in the right direction. He said when one of these boats go by everything stops. He felt it has effects on the nervous system. He urged support of the bill.

PHILIP W. CONOVER, representing self, spoke next and a copy of his testimony is Exhibit 4 of the minutes.

DONALD ESPELIN, representing self, said it was not true that all complainers came from Canyon Ferry. He said he had had a cabin on Holland Lake and on one occasion a group of noisy boats invaded their quiet lake. They were removed by the local sheriff and the boaters' fear of their own safety. He said it wasn't the cabin owners that did this but the people in a nearby campground. He questioned the excuse advanced for racing boats that the owners had a lot of money invested. He said if he had a $126,000 Rolls Royce and put on the same headers, he would be stopped within three blocks and put in the hoosegow. He said people race cars in designated areas and boats could do the same. He said hearing loss is one of the leading cause of disability right now. He said Montana is one of the last states in the nation to regulate these noisy boats.

BOB TUBBS, Manager, Gates of the Mountains Marina, spoke in support of the bill. He said they have about 150 members in their association.

REPRESENTATIVE ACEY said he was from the Fort Peck area and had promised ART COMUTT to put in his two bits in support of the bill.

Leaving written testimony in support of the bill were:

Luella Balkema, Exhibit 5
Alice Omang, Exhibit 6
Robert Omang, Exhibit 7
Mark Radcliffe, Exhibit 8

BENJAMIN C. GOODWIN, representing self, signed as an amender. He said he was the owner of a white water river boat. He said he is completely out of the area the bill is directed against. He said he uses an outboard jet such as the search and rescue units and Fish and Game use. He said the bill sees it necessary to exclude these from the bill and that makes him believe he may be in violation of the bill. He said he had contacted his manufacturer and was working hard to reduce the noise level of his unit but so far he didn't think it was down far enough. He said he was unable to get decibel figures from the manufacturer. Also, he said his operation is different from the boats in question. He is running on the rivers and would pass down and go on to his destination. He might pass a home twice in a day's activity. Secondly, he felt to reduce the noise they might have to go to in-boards and these would leave a much larger wake which could be a bigger annoyance than the slightly higher noise level. He felt outboard jets should be exempt from limitations except require coaxial discharge and exhaust or else manufacturers should be allowed more time to comply.

PHIL LEUTSCHAFT, representing self, Butte, said he felt the bill could open a can of worms. He felt the additional $1 for the permit would be a precedent which would lead to more increases. He said he already has a lot of money tied up in his boat and the season for using it is very short. He said he didn't feel the noise was that bad - the tape recording didn't sound that bad to him and a blender would make more noise. He didn't feel the boaters intentionally harassed people. He said restrictions on the exhausts will cause an increase in fuel consumption which is already unreal. He said more than likely the boats sit out in the lake as much as they are run because of this. He asked how many of these people that live around a lake burn fire wood and have a chain saw - and how long is it run and what does it do to theirs and their neighbors' ears. He felt there were modern appliances that make more noise than the decibels they were trying to meet.

WALLY G. HOLSTEN, Montana Power Boat Association, explained what a racing boat was. He said a racing boat is required to have a number and if it doesn't it is not a racing boat. He questioned the permits - who is to see that a loud-boat owner doesn't go and get a permit and race his boat seven days a week. He said boat racers try to do their testing during the week and in the middle of the afternoons.

STEVE FLANSAAS, spoke as an opponent, saying he owned an open-header boat. He said the taxes for the registration of his boat is severe. He felt that he paid for the privilege of having a boat that is a little louder because as the horsepower goes up so does the price of the registration sticker. He said he liked his boat. He felt the bill would penalize a person who buys a used boat and he reiterated the fact that a chain saw or lawn mower doesn't seem to bother people too much.

PHIL LEUTSCHAFT asked permission to add a comment. He said who is to say how much the permits will be. He added that the off-road-dirt bikes were as much of a nuisance as far as noise was concerned.

MR. GOODWIN added that the bill was not quite clear on twin installations.

REPRESENTATIVE HARPER in closing said all people have a right to some degree of quietness and the people in proximity to lakes are being deprived of this right. He said Robert Miller would be the best one to ask technical questions of.

During questions Rep. Curtiss questioned on page 3, new section, where it says that local authorities do not have any jurisdiction to change the decibel level. Rep. Harper said manufacturers have a problem if the level is different for each locality.

Rep. Hand asked if the department doesn't already have authority to stop this. The answer was that they cannot stop anyone from making as much noise as they want with their motorboats. They need legislative authority to do that.

Rep. McBride asked how Mr. Miller's problem could be addressed. Rep. Harper replied there would always be a gray area. He said these things work themselves out given a little time.

Rep. Curtiss asked about the permits - how long they would be valid for and how often could they get them. Rep. Harper said the local entities would handle that. Rules would need to be made by the Fish, Wildlife and Parks Department. Public hearings would be held in this process and boat racers and others can have input at that time.

In response to a question, Mr. Miller said this was an identical bill to the one in California. He said they deal with the same racer group as Mr. Holsten represents and they have had no problems with the permits. California's bill has been in force since 1974.

Rep. Fagg asked how come the 86 decibels. Mr. Miller said this sound level came from a government study of all types of motor noises. They found that 86 is the level where you are starting to get ear damage.

In response to a question, Mr. Miller said they measure the level at 50 feet from the machine with their meter.

Vice-Chairman Ream closed the hearing on HB 68 and Chairman Harper resumed the chair and opened the meeting to executive session.

EXECUTIVE SESSION

HOUSE BILL 98 Chairman Harper asked the researcher, John Carter, to explain the amendment which was penciled in a copy of the bill and passed to the members. A copy of this is Exhibit 9 of the minutes. He said he had consulted with Larry Mitchell and Bill Romine and they are agreeable to the amendment and the bill as amended. Rep. Jensen moved DO PASS. Rep. Meuller moved the amendments and the motion carried unanimously with those present (absent were Reps. Neuman, Nortvedt, Quilici and Fagg). Rep. Jensen added to his motion AND AS AMENDED DO PASS and this motion carried unanimously with those present (absent the same). Meeting adjourned at 2 p.m.

Respectfully submitted,

HAL HARPER, CHAIRMAN

Emelia A. Satre, Secretary

VISITOR'S REGISTER

HOUSE NATURAL RESOURCES COMMITTEE

BILL HOUSE BILL 68 DATE 1/19/83

SPONSOR HARPER

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
TOM HANSON	HELENA	ONE WAY MARINE MONTANA BOAT & SKI CLUB Inc.	✓	
Bob Tubbs	Helena	Mngr. Gates of the Mt. Motel	✓	
RAY WHALE	HELENA	Private Person	✓	
Robert M Miller	Helena	Dept Fish Wildlife & Parks		
Hugh R Kelleher	Helena	Kelleher	✓	
Donald Espelin	Helena	Silent Majority	✓	
Luella Barkevich	Helena	Lake Homeowner	✓	
Alice Tr...	Helena	Homeowner - Lake	✓	
Phil Leutschoft	BUTTE	-		✗
Lila Spangrud	Helena	homemaker -	✓	
Estal Conover	Helena (Canyon Ferry)	homemaker	✓	
Philip H. Conover	Canyon Ferry	Land Owner	✓	
Leo Spangrud	" "	Cabin owner	✓	
Ben Goodwin	Great Falls	River boat Owner		✓
Gordon Brune	Helena, MT.	Homeowner	✓	
David Lackman	" "	MT Public Health Assn	✓	
Steve Hanson	" "	Boat owner		✓
Bob Vargas	HELENA	" "		✓
WALLY GUSTON	HELENA	MONTANA GOAT RACING ASSOC.		
Bob Chadwick	"	CFR	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

VISITOR'S REGISTER

HOUSE _____ COMMITTEE _____

BILL HB 68 DATE 1/19/83

SPONSOR HARPER

NAME	RESIDENCE	REPRESENTING	SUP-PORT	OP-POSE
Robert H. Francis	3878 Helena	Home owner	✓	
Thomas E Francis	3868 E Shore Dr Helena	✓	✓	
Lois Eleanor	Helena	✓	✓	
Robert J. OMANG	Hauser Lake Helena	Homeowner	✓	
John & Tillie Fahrner	Canyon Ferry	"	✓	
Alice Campbell	1618 S Kessler	"	✓	
Wayland E Jeans	1330 9th-Helena	" / Cabin owner	✓	
Ken Hoovestol	67 Falls	MT. Marine Trade Assn	✓	
Ralph Eibert	3938 E Shore Helena	Homeowner		
Lorraine Eibert	3938 E Shore Helena	Homeowner		
MARIE RADCLIFFE	3648 E SHORE DR	SELF	✓	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

WHEN TESTIFYING PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

FORM CS-33
1-83

Exhibit 1

TESTIMONY

House Bill 68

I am Robert M. Miller, Safety Administrative Officer for the Department of Fish, Wildlife & Parks, and I was requested to bring over our file on motorboat noise.

The sound levels that are mentioned in the bill are in line with government levels, and all boat motor manufacturers are meeting these levels now.

Also, the bill is drafted following the Model Act of the National Association of State Boating Law Administrators.

The file I have here contains information about boat noises and letters of complaints from people about the subject. Some of the letters date back to 1977 and cover several areas of the state.

It would not be possible under our present or proposed budget, for our nforcement Division to absorb the costs of administering the Act without additional funding as provided in this bill.

I would be happy to answer any questions you might have about this subject.

WITNESS STATEMENT

NAME David B. LACKMAN BILL No. H1368

ADDRESS 1400 Winne Ave. HELENA DATE Jan. 19, 1983

WHOM DO YOU REPRESENT Lobbyist for Montana Public Health Assn.

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: (1) Although bill applies to only a few boats in Montana; the noise created by these few is a health problem.

(2) Exposure to > 85 decibles for periods of time does contribute to decrease in hearing acuity. This becomes more noticeable w age.

(3) Nuisance problem: e.g. Painted Rocks Lake.

(4) Have seen rocks rolling on road when such boats roar down the Lake —

(5) Testified Last Session — This is a better bill.

(6) Good example of cooperation — Snowmobile manufacturers. Originally was a problem — much less now.

FORM CS-34
1-81

WITNESS STATEMENT

NAME Gordon Bruce BILL No. 68

ADDRESS 5395 N. MT. Ave. DATE 1-19-83

WHOM DO YOU REPRESENT PERSONAL "Homeowner"

SUPPORT X OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I have a tape recording, if permissable, of a motor boat traveling across the water near my residence at "Lakeside" near Lakeside Marina.

FORM CS-34
1-81

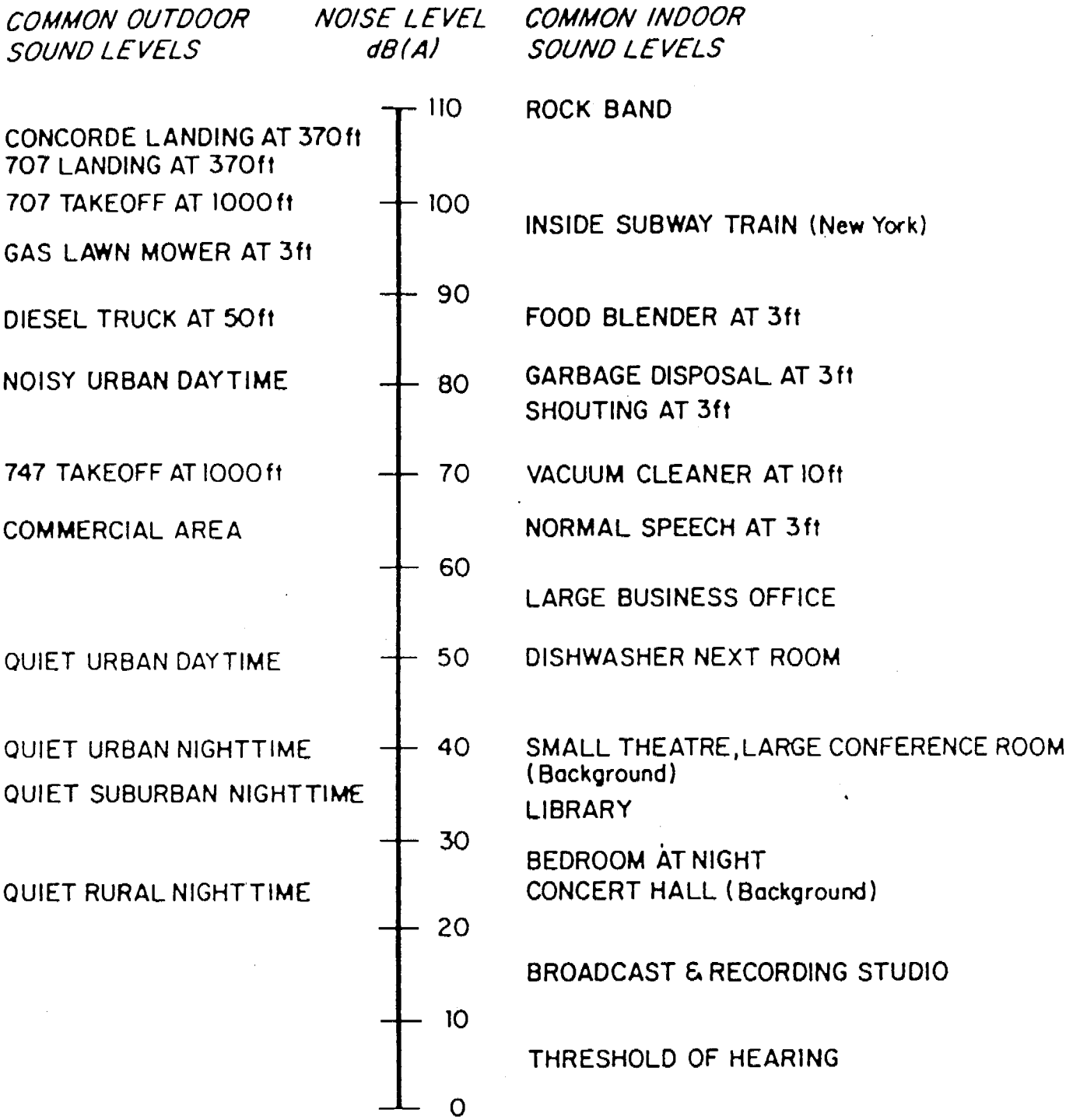


FIG. 7. COMMON SOUND LEVELS.

Certificated noise levels of several of these smaller aircraft are shown in Table 6.

TABLE 6. NOISE LEVELS OF REPRESENTATIVE LIGHT PROPELLER AIRCRAFT.

Airplane	Measured/Estimated dBA	Part 36 Limit dBA
Beech C 18 S	86.0	82.0
56 TC	82.0	82.0
95-B55	78.0 – 84.0*	82.0
Cessna 150 D	67.0	69.7
172	72.0	74.0
310 F	81.0	82.0
Mooney M-20F	75.0	76.6
Piper PA-18-150	70.0 – 72.0*	70.6
PA-30	76.0	81.6
PA-31-350	87.0	82.0

*Value depends on propeller used.

Department of Transportation/Federal Aviation Administration Aviation Noise Abatement Policy, 18 November 1976

In recent years, the FAA has become active in dealing with the airport noise problem through means other than source control. On November 18, 1976, the DOT/FAA Aviation Noise Abatement Policy was issued jointly by the Secretary of Transportation and the Administrator of the FAA. This policy addresses itself to the shared responsibilities of those who must act to alleviate the noise problem - industry, government, and private citizens.

TABLE 1

SOUND LEVELS (dBA) AND LOUDNESS OF ILLUSTRATIVE NOISES
IN INDOOR AND OUTDOOR ENVIRONMENTS

dB(A)	OVER-ALL LEVEL	COMMUNITY (Outdoor)	HOME OR INDUSTRY (Indoor)	LOUDNESS (Human Judgment of Different Sound Levels)
130		Military Jet Aircraft Take-Off With After-Burner From Aircraft Carrier @ 50 Ft. (130)		
120	UNCOMFORTABLY		Oxygen Torch (121)	120 dB(A) 32 Times As Loud
	LOUD	Turbo-Fan Aircraft @ Take-Off Power @ 200 Ft (118)	Riveting Machine (110) Rock-N-Roll Band (108-114)	
110				110 dB(A) 16 Times As Loud
		Jet Flyover @ 1000 Ft (103) Boeing 707, DC-8 @ 6080 Ft Before Landing (106)		
100	VERY	Bell J-2A Helicopter @ 100 Ft (100)		100 dB(A) 8 Times As Loud
	LOUD	Power Mower (96) Boeing 737, DC-9 @ 6080 Ft Before Landing (97) Motorcycle @ 25 Ft (90)	Newspaper Press (97)	
90				90 dB(A) 4 Times As Loud
		Car Wash @ 20 Ft (89) Prop. Plane Flyover @ 1000 Ft (88) Diesel Truck 40 MPH @ 50 Ft (84) Diesel Train 45 MPH @ 100 Ft (83)	Food Blender (88) Milling Machine (85) Garbage Disposal (80)	
80				80 dB(A) 2 Times As Loud
	MODERATELY LOUD	High Urban Ambient Sound (80) Passenger Car, 65 MPH @ 25 Ft (77) Freeway @ 50 Ft from Pavement Edge, 10 A.M. (76—6)	Living Room Music (76) TV-Audio, Vacuum Cleaner (70)	70 dB(A)
70				
			Cash Register @ 10 Ft. (65-70) Electric Typewriter @ 10 Ft (64) Dishwasher (Rinse) @ 10 Ft (60)	
60		Air Conditioning Unit @ 100 Ft (60)	Conversation (60)	60 dB(A) ½ As Loud
	QUIET			
50		Large Transformers @ 100 Ft (50)		50 dB(A) ¼ As Loud
		Bird Calls (44) Lowest Limit, Urban Ambient Sound (40)		
40				40 dB(A) ⅛ As Loud
10	JUST AUDIBLE	[dB(A) Scale Interrupted]		
0	THRESHOLD OF HEARING			

Source: Melville C. Branch, et al., Outdoor Noise and the Metropolitan Environment, (Los Angeles: Department of City Planning, 1970), p. 2.

* * *

Finally, the third characteristic of sound is duration, or how long it lasts.

Duration of Sound

One of the characteristics of a sound is duration - how long it lasts. You hear an airplane approaching, its sound reaches a maximum as it flies overhead, and its sound diminishes and dies as the plane disappears. The change in sound pressure level can be charted as a hill-shaped curve that clearly illustrates the duration of sound. Often, when examining airport noise, we are concerned with durations defined as the amount of time the sound pressure level remains within 10 dB of the maximum sound pressure level during the flyby. Duration is illustrated in Fig. 6.

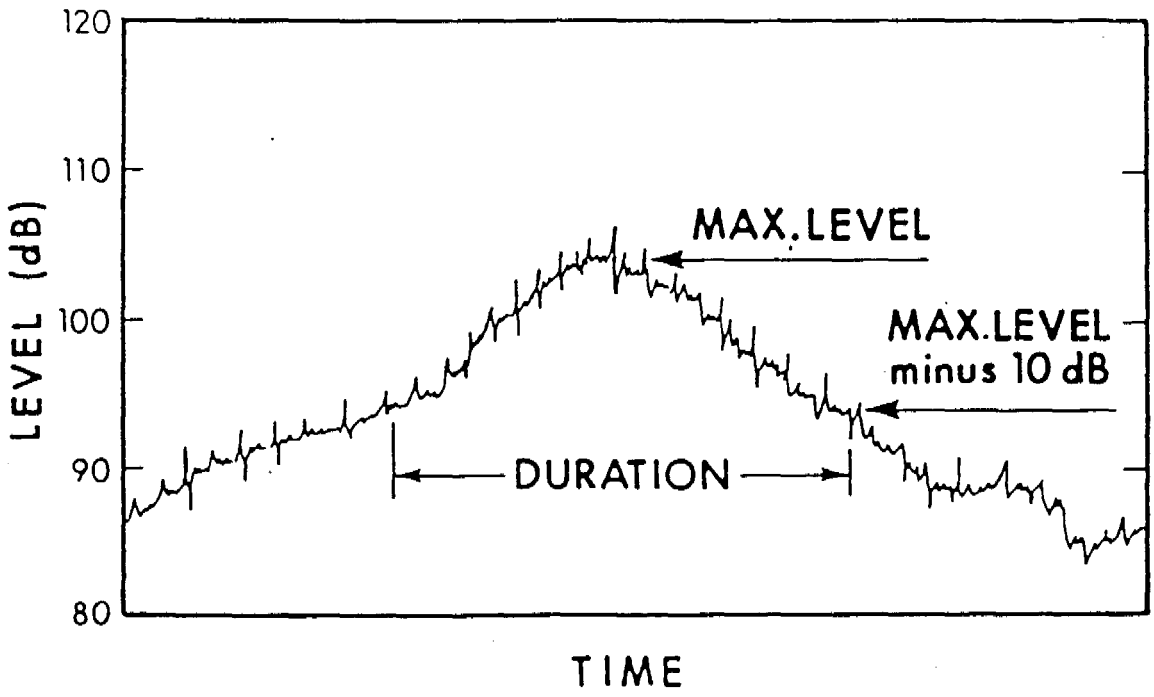


FIG. 6. ILLUSTRATION OF DURATION OF SOUND.

WITNESS STATEMENT

NAME PHILIP W. CONOVER BILL No. HB68

ADDRESS 7746 CANYON FERRY ROAD HELENA 59601 DATE 1/14/83

WHOM DO YOU REPRESENT SELF + WIFE (LAND OWNERS)

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: WE LIVE APPROXIMATELY 3/4 OF A MILE FROM THE EDGE OF THE LAKE (CANYON FERRY) AND WE ARE DISTURBED BY THE NOISE OVER SOME OF THE WEEK-ENDS. FOR THOSE WHO LIVE ON THE LAKE FRONT IT IS UNBEARABLE. WE HAVE VISITED SOME OF THESE PEOPLE. WE LIVE ON OUR PROPERTY YEAR ROUND. WE ARE NOT MEMBERS OF CANYON FERRY RECREATION ASSOCIATION, BUT WOULD DESIRE MEMBERSHIP IN THE SAME

FORM CS-34
1-81

WITNESS STATEMENT

NAME Luella Balkema BILL No. HB 68

ADDRESS 5585 York Rd Helena DATE 1-19-83

WHOM DO YOU REPRESENT Lake Homeowner

SUPPORT Yes - OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

There are controls on nearly all motorized vehicles other than boats. Sound carries over water excessively.

We live on the lake at Hauser. The noise level submitted by many boats on the lake is excessive. There are times that inside the house you cannot carry on a conversation because of the noise.

I feel this bill would protect the rights of homeowners on the lakes. If just for approved races the requirement of control should be lifted.

FORM CS-34
1-81

Ex. 6

WITNESS STATEMENT

NAME Alice Omang BILL No. HB68

ADDRESS 5647 York Road DATE 1/19/83

WHOM DO YOU REPRESENT Homeowner - Lake

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

We live right on the lake at Hauser Lake and over the years have been increasingly concerned about the noise level emitted by many boats that use the lake. There are times when we are sitting on our patio, which is at least 50 feet back from the lake, and we have to stop talking when one of these boats go by as we cannot hear each other speak. There have been times when they just circle around in front of the house, making it impossible to hold a discussion of any kind.

South Africa even has limits on noise levels on their boats, according to a young man I met from there.

FORM CS-34
1-81

WITNESS STATEMENT

NAME Robert J. Omang BILL No. HB 68

ADDRESS 5647 York Rd DATE 1/19/83

WHOM DO YOU REPRESENT Home Owner - Hauser Lake

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

As a landowner I think noise pollution on boats should be regulated to the extent that they are muffled down some. Sitting in our house you can not even hear when some of the loud boats go by.

I would not be against boat races, etc which are regulated but I do think just for pleasure boats they should be limited.

Robert J. Omang

FORM CS-34
1-81

WITNESS STATEMENT

NAME Mark Radcliffe BILL No. HB 60

ADDRESS 3648 E Shore Drive DATE 1-19-85

WHOM DO YOU REPRESENT

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

I have lived on Magpie Bay For 15 years - During this period I have observed only a few Hot Rod Boat owners spoil things For many - Sometimes the noise From straight pipe motors is so loud you can't carry on a conversation over 100 to 200 feet away - Most of the boats in violation of present noise levels are not registered. Some of these boats have not been registered For 3 years.

FORM CS-34
1-81

(7) "Public view" means any point 6 feet above the surface of the center of a public road from which junk vehicles can be seen.

(8) "Shielding" means the construction or use of fencing or manmade or natural barriers to conceal junk vehicles from public view."

Section 2. Section 75-10-503, MCA, is amended to read:

"75-10-503. Adoption of rules. The department shall adopt rules necessary for the administration of this part, except 75-10-520, including but not limited to rules pertaining to:

(1) the establishment, control, operation, and licensing of motor vehicle wrecking facilities and graveyards;

(2) the control of junk vehicles in locations other than motor vehicle wrecking facilities and graveyards;

(3) the inspection and evaluation of premises and records subject to or required by this part;

(4) the development of budget and fiscal forms and procedures for counties;

(5) the review, approval, and control procedures for county motor vehicle graveyards developed under this part; and

(6) the shielding of a junk vehicle and motor vehicle wrecking facility and graveyard from public view. The

House Bill [redacted] Rome Ex.

department may not adopt a rule which requires the ~~construction of~~ any motor vehicle wrecking facility that existed prior to July 1, 1973, and has been continuously utilized thereafter as a motor vehicle wrecking facility to construct a fence or manmade barrier which would be in excess of 12 feet in height."

Section 3. Section 75-10-504, MCA, is amended to read:

"75-10-504. Shielding — new facility. A new motor vehicle wrecking facility or graveyard site established or proposed on or after July 1, 1973, may not be approved for use or licensed if the proposed facility cannot be shielded from public view on the date it is initially established or proposed to the department for licensure. ~~The prohibition concerning approval of a new motor vehicle wrecking facility site does not apply to a facility site that has been used as such within the preceding 18 months.~~"

NEW SECTION. Section 4. Saving clause. This act does not affect rights and duties that matured, penalties that were incurred, or proceedings that were begun before the effective date of this act.

NEW SECTION. Section 5. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

-End-

The prohibition concerning approval of a new motor vehicle wrecking facility or grave yard site does not apply to a facility site that was licensed as such at any time within the 18 months immediately preceding the date an application is made for licensure of such site.

STANDING COMMITTEE REPORT

January 15, 19 33

MR. SPEAKER:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 68

First white

A BILL FOR AN ACT ENTITLED: "AN ACT LIMITING NOISE EMISSIONS FROM MOTORBOATS; PROVIDING MAXIMUM NOISE LEVELS; REQUIRING TESTING AND CERTIFICATION OF OUTBOARD MOTORS AND MARINE ENGINES; PROHIBITING REMOVAL OF NOISE SUPPRESSION DEVICES; ALLOWING CERTAIN EXCEPTIONS; PROHIBITING CONTRADICTORY REGULATIONS; AMENDING SECTION 23-2-512, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

Respectfully report as follows: That HOUSE Bill No. 68

be amended as follows:

1. Page 3, lines 10 and 11.
Following: "airboat"
Strike: "when used by a utility company in the course of business"
Insert: "; (5) a motorboat that is certified by the department as being technologically incapable of complying with the noise levels prescribed in [section 1]"

2. Page 3, lines 12 and 13.
Strike: "Contradictory regulations prohibited."
Insert: "Local government authority. (1)"

3. Page 3, line 19.
Following: "5]."
Insert: "(2) The department shall adopt rules which establish guidelines for the issuance of permits by local public entities under [section 4] and no permit may be issued that does not comply with the department's rules."

XXXXXX
DO PASS AMENDED
DO PASS
STATEMENT OF INTENT ATTACHED

AL HARPER
Chairman.

STATE PUB. CO.
Helena, Mont.

January 25, 19 83

MR. SPEAKER:

WE, YOUR COMMITTEE ON NATURAL RESOURCES, HAVING HAD UNDER CONSIDERATION HOUSE BILL NO. 68, FIRST READING COPY (WHITE), ATTACH THE FOLLOWING STATEMENT OF INTENT:

STATEMENT OF INTENT
HOUSE BILL NO. 68

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982;

As prescribed in section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise must comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The Department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in section 1.

(3) the guidelines for the issuance of permits by local public entities excepting certain motorboat operators from compliance with the noise level restrictions contained in sections 1 through 5; the department's guidelines shall only pertain to permit application procedures, permit fees, and duration of permit validity; and

(4) the procedures employed to determine whether or not a motorboat is technologically capable of complying with the noise level limits established in section 1.

As prescribed in section 4 the department shall establish a manner of certification of motorboats that are determined to be technologically incapable of complying with section 1.

HAL HARPER
Chairman.

STATE PUB. CO.
Helena, Mont.

48TH LEGISLATIVE SESSION

COMMITTEE ON SENATE NATURAL RESOURCES

HOUSE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
HB 8	2-09-83	3-07-83	3-09-83						3-09-83
HB 8	3-14-83	3-14-83	3-14-83					3-14-83	
HB 68	1-31-83	2-16-83	3-16-83					3-16-83	
HB 122	2-01-83	2-16-83	2-16-83					2-16-83	
HB 135	2-01-83	3-09-83	3-09-83				3-09-83		
HB 154	1-24-83	2-04-83	2-04-83				2-04-83		
HB 155	1-24-83	2-04-83	2-04-83				2-04-83		
HB 203	1-29-83	3-11-83	3-11-83				3-11-83		
HB 207	2-03-83	3-11-83	3-11-83				3-11-83		
HB 214	1-29-83	2-14-83	2-14-83				2-14-83		
HB 228	3-01-83	3-16-83	3-18-83					3-18-83	
HB 255	1-31-83	3-04-83	3-04-83				3-04-83		
HB 260	2-16-83	3-04-83	3-04-83				3-04-83		
HB 263	2-10-83	3-07-83	3-07-83				3-07-83		
HB 287	2-02-83	2-14-83	2-14-83				2-14-83		
HB 305	2-05-83	3-04-83	3-04-83				3-04-83		

Use a separate sheet for Senate, House Bills, and Resolutions.

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

February 16, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order on Wednesday, February 16, 1983 at 12:30 p.m. by Senator Harold L. Dover, Chairman, in Room 405, State Capitol, Helena, MT.

ROLL CALL: Roll was called, a majority of the committee was present, Senator Manning was excused.

HOUSE BILL 68: Limiting motorboat noise. Chairman Dover opened hearing, and called on Representative Hal Harper, sponsor. Rep. Harper stated that boat noise is presenting problems here and everywhere there is a good size lake. It is particularly a bad situation for permanent residents on the lakes, where people run loud boats at all hours. The bill is to make the noise standards uniform. There are a large number of people present to speak, and he would keep his remarks short to allow them time.

PROPONENTS: Ken Bergvall, Montana Trade Association, said this bill doesn't establish anything new since the DBA levels were established in 1974, but it does give authority for enforcing the standards. All boats would have to comply. Two years ago this was talked about, and a permit for practice was discussed, and this bill provides for that.

Bill Christiansen, stated that boat owners can make modification to meet the levels, even on the parts that they have taken off their boats. The permit system will allow practice for racers. He represents the people from Canyon Ferry, and in a survey asked if noise was a problem, they said it was. He thought the House felt this was a good bill.

Robert Miller, Safety Administrative Officer of Fish, Wildlife and Parks stated the sound levels in the bill are in line with government levels and boat manufacturers are meeting those now. His department would not be able to absorb costs of administering without additional funding as provided. His testimony is attached, Exhibit '1'.

Hugh Kelleher, stated he would like to speak for himself and residents at Canyon Ferry. They support the bill. He provided copies of charts showing various sound levels and effects, attached as Exhibit '2'.

HB 68 (cont.)
Tom Hanson, One Way Marine and Montana Boat and Ski Club spoke in favor of the bill, stating this regulation is needed because boats with over transom headers disturb an area of at least 1/2 mile. Noise is limited in city limits and airports and needs to be on the lakes. A small fishing boat sits at the level of the exhaust, and the noise is deafening at this level. There would be no restriction on sanctioned racing through the permit process. His testimony is attached, Exhibit '3'.

David Lackman, Montana Public Health Association lobbyist, stated that noise of 85 decibels or above does damage the hearing. Last session there was a good bill similar to this one. This is a good bill, and will also help the small lakes.

Mark Radcliffe, Magpie Bay, Canyon Ferry, said increased use of the lake is causing problems. There are drag racers with no exhaust systems, not sanctioned racing boats that are causing problems. They weave in and out of fishing boats and water skiers and become a safety factor as well. The remainder of his testimony is attached, Exhibit '4'.

Ray Well, property owner at Canyon Ferry spoke in favor, stating the noise is not necessary and is not at a normal level.

Larry Johnson, Helena, stated the bill should also address replacement in older boats for requirement of meeting the sound level.

Other persons in favor handed in witness sheets.

OPPONENTS: Charles Abell, Montana Boat Racing Association, stated they represent a large number of members. They spoke last time this bill was introduced and thought they were represented well. Sanctioned races are well controlled and they are not the boats that run up and down the lakes at night. They feel the permit system would be an unnecessary burden. His testimony is attached, Exhibit '5'. They then displayed large numbers used on the racing boats for identification. He said they would propose amendments as well. The committee was also shown pictures of various boats being spoken about.

Senator Bob Brown also spoke for the American Power Boat Association. Sen. Brown thought a poor job was done with the bill last time. The boat racers use protective helmets during testing and racing. They are safety oriented, and testing is very limited, on smooth water. If they are required to test at a special time, they may take a chance with rough water.

HB 68 (cont.)
Norm Sunholm also spoke briefly in opposition and showed some of the items used by the race drivers.

Tom Hamm, stated boat owners on the lakes do bring some good to the community. They buy gas which costs considerable amounts for the large boats.

Hoagie Carmichael, Whitefish, stated he used to live in Helena, is a ski instructor, and boat racer. He said there are many people in the state that hold records in the races. People come from all over the country to watch these races and it brings a lot of people to the area. There is a major part of testing done on racing boats in the shops, only driver training and final testing is done on the lakes. He stated there is erotic driving by some boaters, and they would also like to see that stopped.

Orv Good, spoke for the American Power Boat Association. They hold regattas, but there are only three bodies of water where they can, these are Whitefish Lake, Flathead Lake and Hauser Dam. He submitted a letter in further testimony, Exhibit '6'.

Other persons submitted witness sheets and testimony attached.

Committee questions. Senator Mohar inquired further into safety regulations, Mr. Abell stated their group has a right to take away membership if they do not abide by safety rules.

Senator Eck inquired if the "outlaw" boats could be modified to meet the noise standards. Mr. Abell stated they could. They could inject exhaust directly into the water and other modifications are available.

Senator Story asked where testing was done for noise levels or how that would be handled? Mr. Miller stated tests would be done for a length of fifty feet, but would be at slower speeds, but would give the ability to measure the noise from the vehicle. Boats would be stopped or pulled over that were exceeding noise levels.

Senator Lee stated he still has problems with the bill, and moved for a subcommittee so all individuals would be able to discuss this further due to limited time for hearing. Senators Lee, Story and Mohar are to be on subcommittee.

Senator Van Valkenburg noted that no one had been interested at all in the increased fee, no one mentioned that in their testimony, and asked Mr. Hovedal as to why. He stated the fee hadn't been in the last bill and persons may wish to speak to it.

HB 68 (cont.)
Senator Van Valkenburg inquired of Mr. Miller as to use of the increased fee? Mr. Miller stated the additional $1.00 would be used for enforcement of violations.

Senator Keating inquired how many opponents had been at the House hearing? It was stated there had been two.
Hearing was then closed on the bill. Senator Dover asked for witnesses to please leave quietly to allow those waiting for the next large hearing to enter.

SENATE BILL 396: Senator Dover opened the hearing and called on Senator Reed Marbut, sponsor. Senator Marbut stated he would like to be unemotional on this issue, however he has a very unusual constituency in this matter, in that the rights of wildlife are being placed in jeopardy and being ignored and he would like to represent the wildlife in this case. The bill is to protect riparian habitats, and some large landowners are in objection, however he would like to encourage them to form conservation easements in riparian areas. A conservation easement would protect the area and recreationists would no longer have license to intrude upon these areas. The Montana open space and conservation act does not allow public access to conservation easements, and this would define riparian habitats. He presented testimony, Exhibit '1'.

PROPONENTS: No one spoke in favor of the bill.

OPPONENTS: Ron Marcoux, Dept. of Wildlife, Fish and Parks stated he does support the protection of wildlife species, however this is also dealing with the rights of the public, and that this bill would restrict recreational access to use of streams, and recreational use can be compatible with the wildlife. A booklet on conservation easements was passed out, Exhibit '2'.

Bob Keisling, Nature Conservancy, stated they have worked to put together language similar to conservation easements, and did a study on the Bitteroot Valley, the riparian habitats, and flood plain area. This easement is designed to protect those areas. Another set is prepared for the Blackfoot River, and his group does appreciate the Senators work on the behalf of the wildlife. The study was presented, Exhibit '3'.

Dave Kumlien, Bozeman, outfitter, stated this bill would just about put them out of business. His testimony is attached, Exhibit '4'.

Ken Knudson, Montana Wildlife Federation, stated they would like to have more public review of any such easement, further than this hearing.

Lisa Anderson, Montana Land Reliance, Helena, stated they have currently 22,000 acres of conservation easements in Montana. The current conservation easement includes riparian habitats. She presented testimony and a booklet on the

SB 396 (cont.)
Easements they have already obtained. These easements with their organization are between the landowner and their organization and are not mandated by law. Her testimony and booklet are attached, Exhibit '5'.

Jerry Manley, Bozeman, Montana Coalition for Stream Access, stated they wish to speak against the bill. Ex. '6'.

Larry Aiuppy, Livingston, representing himself, spoke against the bill and removing access of recreational use. His letter is attached, Exhibit '7'.

Eugene Cantley, Great Falls, Medicine River Canoe Club, stated they feel access could be limited to all waters if this were passed. Floaters and fishermen do not do as much damage as cows, mining or agriculture. They oppose the bill. His statement is attached, Exhibit '8'.

Patricia Dolan, Montana Audubon Council, Missoula, stated any benefits to be gained from the bill would be outweighed by the negative effects of elimination of access, loss of public review of habitats and danger of abuse of the open space and conservation act. Her statement is attached, as Exhibit '9'.

Also attached is statement from Jim Flynn, Dept. of Fish, Wildlife & Parks. Ex. '10'.

Senator Marbut stated that the conservation easement language was originally designed to prohibit recreation use and mining use, but does no longer. He stated he would rather see the habitats protected. The tourist industry would not be harmed by this bill. There are rivers, however that are being harmed by large developments, and this would stop that as well.

Senator Tveit inquired as to a reference that the Fish and Game department is doing a better job of conservation than ranchers? It was stated they are charged with enforcing the wildlife regulations and are doing a good job.

Senator Lee inquired into reference to the Audubon Society testifying on behalf of the recreationists rather than the wildlife of the state? Ms. Dolan stated they feel that the bill could be used in other ways by people who would see it as an access to private fishing streams, and that an amendment could be put in to close an area and then to subdivide it into private parcels.

(SB 396 cont.)
Senator Van Valkenburg inquired into any other states having a similar bill. Senator Marbut stated he was not aware of any other than those similar to the open space and conservation act.

Senator Eck inquired if there would be opportunity for more public review. Senator Marbut stated there was no provision for local review, as there wouldn't be many qualified to speak professionally on the bill within the jurisdiction. Hearing was then closed.

HOUSE BILL 122: Chairman Dover opened hearing on House Bill 122, calling on Rep. Addy. Rep. Addy stated this bill relates to oil and gas leases. In the past there has been authority for leases on state land for a term of 10 years. This bill would allow reduced terms. The Dept. of State Lands will speak, and propose some amendments.

PROPONENTS: Dennis Hemmer, Commissioner of State Lands, stated this bill was at their request, that the board of commissioners should have flexibility to determine which length of lease would be of best interest to the state. Shorter terms may be to advantage when resources are in danger of being depleted as well. He proposed amendments, which are attached with his testimony, Exhibit HB 122, No. '1'.

Don Allen, Montana Petroleum Association, stated he did appear in the House on this bill and expressed some concern with the bill. However, in some respects it may encourage oil and gas exploration. He concurs with the proposed amendments.

Mark Roberts, Petroleum Land Man stated he also concurs.

OPPONENTS: There were no opponents.

Senator Keating inquired how many acres of leases were dropped this year. Mr. Hemmer stated none. Senator Keating asked about advertising of leases? Mr. Hemmer stated they would advertise for the same amount of time as longer term leases had been.

Senator Eck moved do pass on the amendment, page 1, line 12, following "of", insert "not more than" and following "or less" insert "than 5 years". Page 1, line 16, following "lessee", insert "However, leases for a period of less than 5 years may be issued if the board determines that such shorter term is necessary to ensure full compensation for the oil and gas resource". Vote was called, all present voted 'aye' and motion carried.

(HB 122 (cont.) ACTION ON HOUSE BILL 122:
Senator Van Valkenburg moved that HB 122 Be concurred in as amended, a majority voted 'aye', Senator Story voted 'no', motion carried.

SENATE BILL 400: Chairman Dover opened hearing on SB 400, calling on Senator Bob Brown. Senator Brown stated this bill was at the request of the Governor's Office. It deals with the reciprocal Access Act, and he would ask to have the Governor's representative speak.

PROPONENTS: Mona Jamison, Legal Counsel to Governor Schwinden stated the Commission on Uniform State Laws worked on this bill. There have been many meetings upon meetings with state agencies. This bill would expand access to other courts with respect to pollution. It would allow a person or entity to go into a Canadian court or Washington Court, as the case may be. The act is to be procedural and not substantive, and local law applies where a suit is brought. Both jurisdictions must have enacted this act for it to apply. The Departments of Health, State Lands and Natural Resources have all been involved. She presented testimony, attached as Exhibit '1', SB 400.

Robert Sullivan, representing Montana Uniform Laws Commission also spoke on the bill, stating he has been on the commission for a number of years. He is required to recommend to the Governor bills that would affect uniformity in Montana law. This deals with the Uniform Transboundary Pollution Reciprocal Access Act, and it has to be passed by more than one state and province to be effective. It includes Canadian provinces. It would affect Cabin Creek Mining North of Flathead, and persons that can show damage can bring action, but they do have to establish that damage. It would not include acid rain. The bill does bring Montana into conformity.

Senator Etchart inquired as a headwater state if we are accepting more liability than other states. Mr. Sullivan stated he felt the industries in the state would be more protected.

Senator Story inquired if other states had passed this bill? There are none surrounding that have at present. Maine is one state that has passed. Senator Dover inquired if we would be hurting our state if we held off passing this for two years? Ms. Jamison stated it would be wise to be cautious if that is the wish of the legislature. Hearing was then closed.

There being no further business to come before the committee the meeting was duly adjourned at 2:30 p.m.

Harold L. Dover
SENATOR HAROLD L. DOVER, CHAIRMAN
SENATE NATURAL RESOURCES COMM.

Patricia Hatfield
Patricia Hatfield

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 2-16-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓	late.	
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓		
MANNING, Dave (D)		✓	✓
MOHAR, John (D)	✓		
SHAW, James N. (R)	✓		
STORY, Pete (R)	✓		
TVEIT, Larry J. (R)	✓		
VAN VALKENBURG, Fred (D)	✓		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

DATE 2-16-83

COMMITTEE ON Senate Natural Resources. BILL NO. House Bill 68

VISITOR'S REGISTER

NAME	REPRESENTING	Check One: Support	Oppose
Kim Hurley		✓	
MARK RADCLIFFE	SELF	✓	
Jon R Kelleher	Kelleher's	✓	
Charles R Abell	Family		✓
Sally Johnston	self		✓
Carol E. Cramer	Self	✓	
Robert E. Cramer	self	✓	
Robert F. Fowler	self		✓
Patent P.			
Ray Wehle	Self	✓	
Chris Symes	Self	✓	
Elaine M Darmanin	Self		
Willis Vandiver	self		✓
Lynn McCarthy, Jr.	Self		✓

(Please leave prepared statement with Secretary)

DATE 2-16-83

COMMITTEE ON ~~BUSINESS & INDUSTRY~~ Senate Natural Resources.

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Bill Fredrickson	SELF	SB 396		✓
W F Antonich	Self.	SB 396		✓
Steve Antonich	Self	SB 396		✓
Sam R Johnson	SELF	HB 68		
NORM SUNDHOLM	MONTANA BOAT RACING ASSN	HB 68		✓
ROBERT A. WOODHOUSE	MBRA	HB 68		✓
LOUIS R. BORCHERS	MONTANA BOAT RACING ASC	HB 68		✓
SUSAN K. ABELL	AMERICAN POWER BOAT ASN	HB 68		✓
Ory Good	American Power Boat ASN	HB 68		✓
Kathy Good	APBA + MBRA	HB 68		✓
TOM HANSON	ONE WAY MARINE. MONTANA BOAT & SKI CLUBS	HB 68	✓	
Hoagy Carmichael	APBA + MBRA	HB 68		✓
David Reyes	Self	SB 396		✓
R. J. Foukal	self	SB 396		✓
L. Pittenger	Self	396		X
W Brewster	Self	SB 396		✓
WP Hamrick	Self	SB 396		✓
Bob JACKLIN	SELF	SB 396		✓
Dianne McDermand	Self	SB 396		✓
James W. McDermand	Medicine River Canoe Club.	SB 396		✓
Timothy M. Manchester	self	HB 68		✓
KEN KNUDSON	MT. Wildlife Fed	SB 396		✓
Thomas M Travis	Self.	SB 396		✓
[illegible]	T U Both	SB 396		✓
BOB KIESLING	The Nature Conservancy	SB 396		✓
Jerry MANLEY	MONTANA COALITION FOR STREAM ACCESS	SB 396		✓

DATE 2-16-83

COMMITTEE ON ~~BUSINESS & INDUSTRY~~ Senate Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Karen E. Gatley	Self	SB 396		✓
[illegible]	Self	SB 396		✓
Richard J. Charest	Self	SB 396		✓
[illegible]	"	SB 396		✓
[illegible] Cantley	Self	SB 396		✓
[illegible]	Self	SB 396		✓
[illegible]	Self	SB 396		✓
[illegible]	Self	HB 68		✓
[illegible]	Self	HB 68		✓
[illegible]	(Business) Timberline Reclamations	SB 396		X
[illegible]	Self	H.B 68		X
[illegible]	Self	HB 68		X
[illegible]	Self	SB 396		X
[illegible]	self	SB 396		X
[illegible]	SELF	SB 396		X
[illegible]	SELF	SB 396		X
[illegible]	SELF	SB 396		X
[illegible]	Self	SB 396		X
[illegible]	self	SB 68	✓	
[illegible]	self	SB 396		✓
[illegible]	Self	SB-396		✓
[illegible]	Self	~~SB~~ HB 68		X
[illegible]	Self	SB-396		✓
[illegible]	Self	SB-396		✓
[illegible]	Self	SB396		✓
[illegible]	Self	SB 396		✓

DATE 2-16-93

COMMITTEE ON ~~BUSINESS & INDUSTRY~~ Senate Natural Resources

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
EDWARD EKLEIN	SELF	396		✓
DAVID LACKMAN	Lobbyist / MT Job. Hlth Assn.	HB 68	X	
Jon Anderson	MONTANA LAND RELIANCE	SB 396		✓
Thomas C Hamm	MT Boat Racing Assn	HB 68		✓
Zoe Christiansen	Self	HB 68		✓
Dean R. Lasson	Self	HB 396		✓
TIM SULLIVAN	Self	HB 396		✓
DOUG MONGER	Self	HB 396		✓
Terry Johnson	Self	396		✓
MIKE CANAWESS	MSO OUTDOOR RECREATION	396		✓
DAVID REPOLD	Self Skyline Sportsman	396		✓
Gary Braun	Self	396		✓
Kurt B. Blow	Self	396		✓
Tom Bugni	Skyline Sportsmen Butte	396		✓
Bob McDonough	Self Butte C of Commerce Tourism C.	396		✓
Dwight Bridges	Skyline Sports. Butte	396		✓
JOE URBANI	TIMBERLINE RECREATIONS	396		✓
Tom Johnson	Tom Johnson Sport Shop	396		✓
Mike Mosolf	Self	396		✓
Joel Shouse	Self	396		✓
PAUL ROSENTHAL	TROUT UNLIMITED	396		✓
BRUCE Rehwinkel	Self	396		✓
Robert Johnson	Outfitters (Ennis) SB	396		✓
Cheryl Willits	self	396		✓
Robert A. Willits	Self	396		✓
Craig Madsen	Outfitters WRGA Sporting Goods Business	396		✓

(Please leave prepared statements with secretary.)

TESTIMONY

House Bill 68

I am Robert M. Miller, Safety Administrative Officer for the Department of Fish, Wildlife & Parks, and I was requested to bring over our file on motorboat noise.

The sound levels that are mentioned in the bill are in line with government levels, and all boat motor manufacturers are meeting these levels now.

Also, the bill is drafted following the Model Act of the National Association of State Boating Law Administrators.

The file I have here contains information about boat noises and letters of complaints from people about the subject. Some of the letters date back to 1977 and cover several areas of the state.

It would not be possible under our present or proposed budget, for our Enforcement Division to absorb the costs of administering the Act without additional funding as provided in this bill.

I would be happy to answer any questions you might have about this subject.

HB 68 EX. 2
Sen. Nat. Res.
2/16/83

NAME: Hugh B Kelleher DATE: 2/16/83

ADDRESS: 1620 Jerome Pl Helena

PHONE: 442 3065

REPRESENTING WHOM? Kelleher's

APPEARING ON WHICH PROPOSAL: HB 68

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

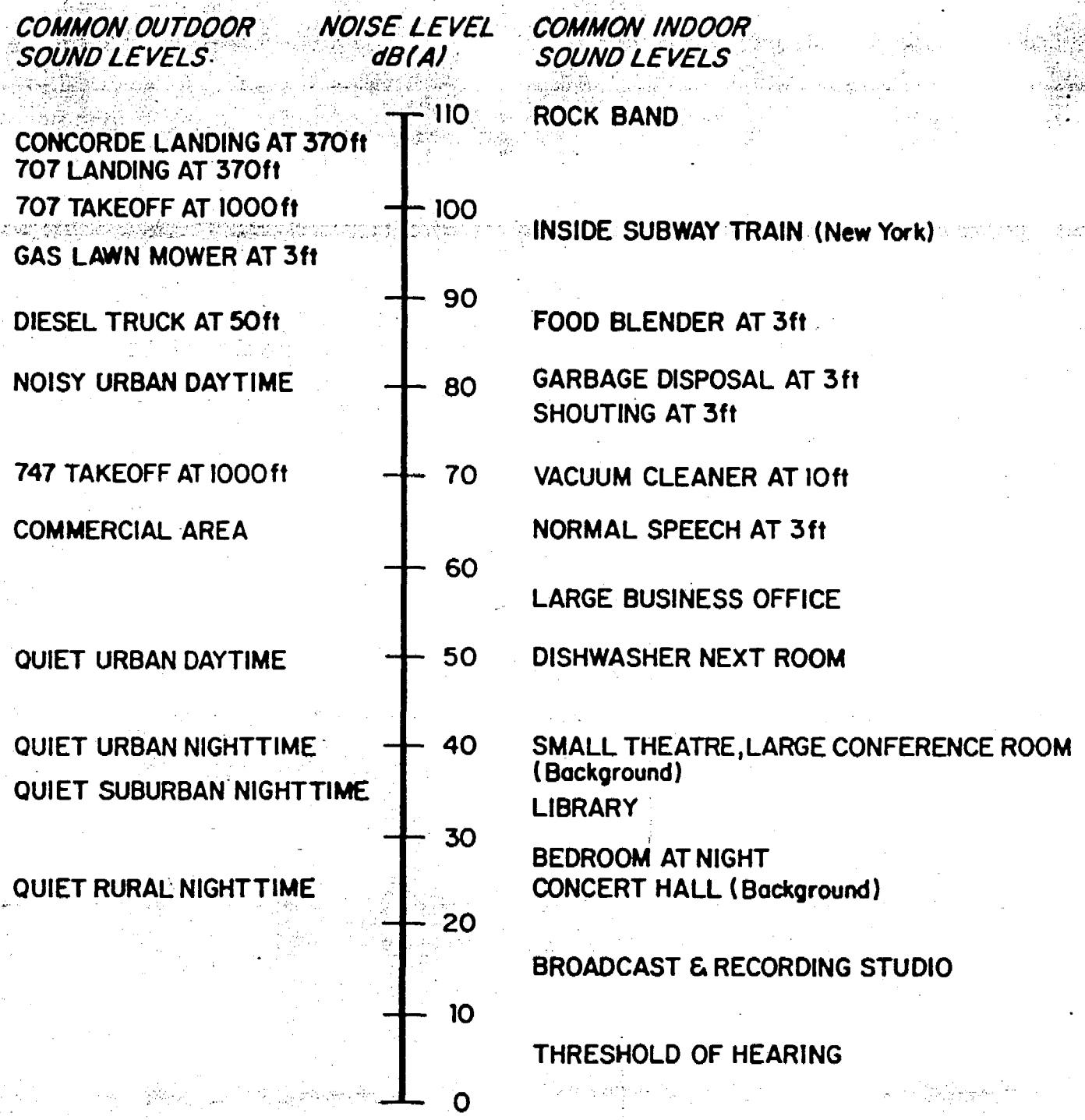


FIG. 7. COMMON SOUND LEVELS.

IMPACT OF NOISE ON PEOPLE

How people perceive loudness or noisiness of any given sound depends on several measurable physical characteristics of the sound. These factors are:

a. Intensity - in general, a ten decibel increase in intensity may be considered a doubling of the perceived loudness or noisiness of a sound; however, recently obtained psychoacoustic evidence suggests that a greater than 10 decibel increase in peak level of airplane flyover noise is required to produce a perceived doubling of loudness.

b. Frequency content - sounds with concentration of energy between 2,000 Hertz and 8,000 Hertz are perceived to be more noisy than sounds of equal sound pressure level outside this range.

c. Changes in sound pressure level - sounds that are increasing in level are judged to be somewhat louder than those decreasing in level.

Certificated noise levels of several of these smaller aircraft are shown in Table 6.

TABLE 6. NOISE LEVELS OF REPRESENTATIVE LIGHT PROPELLER AIRCRAFT.

Airplane	Measured/Estimated dBA	Part 36 Limit dBA
Beech C 18 S	86.0	82.0
56 TC	82.0	82.0
95-B55	78.0 – 84.0*	82.0
Cessna 150 D	67.0	69.7
172	72.0	74.0
310 F	81.0	82.0
Mooney M-20F	75.0	76.6
Piper PA-18-150	70.0 – 72.0*	70.6
PA-30	76.0	81.8
PA-31-350	87.0	82.0

*Value depends on propeller used.

FLYING OVERHEAD AT 1,000' ABOVE GROUND

Department of Transportation/Federal Aviation Administration Aviation Noise Abatement Policy, 18 November 1976

In recent years, the FAA has become active in dealing with the airport noise problem through means other than source control. On November 18, 1976, the DOT/FAA Aviation Noise Abatement Policy was issued jointly by the Secretary of Transportation and the Administrator of the FAA. This policy addresses itself to the shared responsibilities of those who must act to alleviate the noise problem - industry, government, and private citizens.

TABLE 3

LAND USE GUIDANCE CHART I: AIRPORT NOISE INTERPOLATION

LAND USE GUIDANCE ZONES (LUG)	NOISE EXPOSURE CLASS	INPUTS: AIRCRAFT NOISE ESTIMATING METHODOLOGIES				HUD NOISE ASSESSMENT GUIDELINES	SUGGESTED NOISE CONTROLS
		L_{dn} DAY-NIGHT AVG. SOUND LEVEL	NEF NOISE EXPOSURE FORECAST	CNR COMPOSITE NOISE RATING	CNEL COMMUNITY NOISE EQUIVALENT LEVEL		
A	MINIMAL EXPOSURE	0 TO 55	0 TO 20	0 TO 90	0 TO 55	"CLEARLY ACCEPTABLE"	NORMALLY REQUIRES NO SPECIAL CONSIDERATIONS
B	MODERATE EXPOSURE	55 TO 65	20 TO 30	90 TO 100	55 TO 65	"NORMALLY ACCEPTABLE"	LAND USE CONTROLS SHOULD BE CONSIDERED
C	SIGNIFICANT EXPOSURE	65 TO 75	30 TO 40	100 TO 115	65 TO 75	"NORMALLY UNACCEPTABLE"	NOISE EASEMENTS, LAND USE, AND OTHER COMPATIBILITY CONTROLS RECOMMENDED
D	SEVERE EXPOSURE	75 & HIGHER	40 & HIGHER	115 & HIGHER	75 & HIGHER	"CLEARLY UNACCEPTABLE"	CONTAINMENT WITHIN AIRPORT BOUNDARY OR USE OF POSITIVE COMPATIBILITY CONTROLS RECOMMENDED

Source: FAA Advisory Circular 150/5050-6, "Airport-Land Use Compatibility Planning.

HOD R 'ep. Dale 8-3 Nat. Res.

Form CS-34
1-79

NAME

BILL NO. H.B. 68

ADDRESS TOM O. HANSON - 220 CUSTER W. HELENA DATE 2-16-83

WHOM DO YOU REPRESENT ONE WAY MAKING - HELENA MONTANA BOAT & SKI CLUB

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: THE NOISE EMITTED FROM POWER BOATS EQUIPPED WITH OVER THE TRANSOM HEADERS IS SO LOUD THAT A BOAT GOING BY EQUIPPED WITH THESE INTERUPTS ALL GOINGS ON IN AN AREA APPOX ½ MILE IN RADIUS. IT'S RIDICULOUS TO THINK THAT NOISE IS LIMITED IN CITY LIMITS, AIRPORTS AND EVERYWHERE WE LIVE EXCEPT ON THE CAKE. SINCE THESE BIG BLOCK ENGINES ARE EXHUSTING 2 TO 3 FEET ABOVE THE WATER LEVEL THE NOISE EMITTED IS DEAFENING. THIS BILL ALLOWS FOR A.R.B.A. RACING AND IN NO WAY PROHIBITS OR RESTRICTS SANCTIONED, RESPONSIBLE BOAT RACING. SINCE THE VAST MAJORITY OF MONTANA'S BOATERS APPROVE OF THIS BILL I SINCERELY HOPE THIS COMMITEE REPRESENTS THE MAJORITY ON THIS ISSUE.

HB 68 EX. 4
Sen. Nat. Res.
2/16/83

Form CS-34
1-79

NAME: T MARK RADCLIFFE BILL NO. HB 68

ADDRESS: 3648 EAST SHORE DR. HELENA MT 59601 DATE 2-16-83

WHOM DO YOU REPRESENT SELF

SUPPORT ✓ OPPOSE AMEND

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments: I HAVE LIVED ON MAGPIE BAY AT CANYON FERRY FOR 15 YEARS - THE ENERGY CRUNCH HAS INCREASED RECREATIONAL USE OF CANYON FERRY TO THE POINT WHERE WEEK ENDS & HOLIDAYS ARE OVERCROWDED. WATER SAFETY IS CRITICAL & EXHAUST NOISE IS A PAIN IN THE NECK

I AM REFERING TO THE DRAG RACE INBOARD BOATS WITH NO EXHAUST SYSTEM — NOT SANCTIONED RACE BOATS

I AM A CIVIL ENGINEER & MOST OF MY PROFESSIONAL WORK HAS CONCERNED AIR & IMPACT NOISE CONTROL - THE BOATS REFERED TO USUALLY PRODUCE NOISE EQUAL TO OR EXCEED 84 db

THESE SAME BOATS WEAVE IN AND OUT FISHING BOATS & WATER SKIERS AT A HIGH RATE OF SPEED WHICH BECOMES A CRITICAL SAFETY HAZARD

NAME: Kimi Hurley DATE: 2/16/83

ADDRESS: 3706 E. Shore Dr.

PHONE: 475-3722

REPRESENTING WHOM? _____

APPEARING ON WHICH PROPOSAL: Boat Noise

DO YOU: SUPPORT? ✓ AMEND? _____ OPPOSE? _____

COMMENTS: We live on the lake at Canyon Ferry. The noise from the boats is not necessary in residential area.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

NAME: Gary R Johnson DATE: 2-16-83

ADDRESS: 1916 WINNE HELENA

PHONE: 443-3744

REPRESENTING WHOM? MYSELF

APPEARING ON WHICH PROPOSAL: _____

DO YOU: SUPPORT? _____ AMEND? X OPPOSE? _____

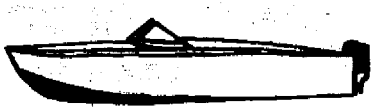
COMMENTS: I SUPPORT THE BILL'S INTENT - HOWEVER THERE SHOULD BE PROVISION FOR EXCEPTIONS

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

Sen. Nat. Res.
2/16/83

MONTANA BOAT RACING ASSOCIATION

Providing entertainment and water recreation under the Big Sky



February 16, 1983

Dear Senators and Members of the Committee for the Department of Natural Resources:

We, the members of Montana Boat Racing Association, are opposed to House Bill 68, as introduced. Quite frankly, we are offended that no one bothered to contact any of us or inform us of this bill. Two years ago, eight of our members attended the Senate hearing of the Fish and Game Committee, where we spoke in opposition to House Bill 222 in the 47th Legislature. Our suggested amendments to that particular bill were well-received and were included in the Senate Standing Committee Report (Fish and Game) of March 26, 1981. Subsequently, House Bill 222 of the 47th Legislature was defeated.

During 1981, members of Montana Boat Racing Association discussed with members of the Legislature the possibility of the same type of proposal being introduced again. We made it quite clear that we were willing to assist in the preparation of such a bill so that it could be introduced in a form that we could support. On each occasion, we were assured that we would be contacted and consulted in the preparation of a new bill. Now, we are shocked to learn that House Bill 68 has been introduced in the 48th Legislature, with no significant revisions over the previous bill!

Montana Boat Racing Association members realize that some type of noise restrictions on motor boats is inevitable. However, we do not like the inference that the noisy boats that run up and down the lake at all hours of the night are race boats. They are not! We Montana Boat Racers pride ourselves on our consideration of others. We are careful to run our equipment at times when it will not be disturbing to others. During regattas, we are governed by the rules and regulations of the American Power Boat Association, including very strict standards of good sportsmanship and safety.

Also, we feel that the proposed requirements for permits for race boats are unfair. Our race boats are taxed and registered, as well as any other boat. We do not believe that any other type of motor vehicle is required to obtain a permit in order to test or race on their race course. Unfortunately, we boat racers do not have specially built race tracks. We must depend on the already existent lakes and rivers of our state. But we are careful always to maintain safe conditions with respect to other water sportsmen. Permits for race boats would create an unnecessary administrative burden, as well as an unnecessary burden for the boat racers themselves.

EXH #6
2-16-83
Nat. Res.

Boat racing in Montana is our chosen recreation which we are able to enjoy with our families and friends. At the same time we are able to provide entertainment for thousands of fans, attract business for various Montana communities, and even raise funds for charitable organizations. We request that you disapprove of House Bill 68 as proposed, and allow us to work with you in making the amendments necessary to allow us to continue to enjoy the sport of boat racing as we have known it in Montana.

Respectfully,

Kathy Good

Kathy Good, Secretary
Montana Boat Racing Association

HB 68, EX. 6
Sen. Nat. Res.
2/16/83

6

American Power Boat Association · U.S. National Authority U.I.M.

February 16, 1983

STANTON T. FITTS, President · MICHAEL K. JONES, Senior Vice-President · DIONE WILLIAMS, Secretary · MICHAEL A. WIENER, Treasurer · JOHN H. LOVE, Executive Director

REPLY TO
N.W. 5342 Teepee Drive
Florence, Montana 59833

Dear Senators and Committee Members of the Department of Natural Resources:

Montana is located within Region 17 of the American Power Boat Association. We, the members of Region 17, are opposed to House Bill 68 as proposed. We support the spirit of the bill, but we feel it will not accomplish its intended purpose.

We believe in the purpose of the proposed noise legislation, but by regulating only those engines that are manufactured on or after January 1, 1978, this bill grants a blanket exclusion to the boats that are creating noise problems. We feel that most noise complaints result from ski boats with over-the-transom exhausts. Our research has revealed that the majority of these boats are powered by a 454 cubic inch Oldsmobile engine. Our local automobile dealers have informed us that these engines were last manufactured in 1978, and most, if not all, of these engines which would be found in ski boats would be pre - 1978. We would also like to make it clear that none of these boats are participants in American Power Boat Association regattas in Montana, nor are they registered with American Power Boat Association.

Our association prides itself on being a self-policing organization, maintaining the highest standards of consideration for those around us. We do not test our equipment at unreasonable hours and we are careful not to be offensive to those who live around the lakes and rivers where we test or race. We have even eliminated certain classes of boats in areas where they cause noise problems.

Our national organization is very much safety oriented, providing safety training and recommendations and/or requirements for safety equipment. In fact, the American Power Boat Association is one of the world leaders in developing and implementing boating safety equipment and techniques.

We are strongly opposed to the proposed requirement for permits while preparing for a regatta. Our boats are taxed and registered just the same as any other boat, and the idea of requiring a permit in order to put our boats on the water is grossly unfair. In addition, if a boat racer has obtained a permit to test his equipment at a certain time on a certain day, he could be forced into an unsafe situation simply because he must test only during the time for which his permit was issued. If the water or weather conditions are unfavorable at that time, or the water is particularly crowded with other boats and people, it could create a very hazardous situation.

7 up.
Nat Res.
2-16-83

There are fewer than thirty racing members of American Power Boat Association in our state, but we provide good wholesome entertainment for thousands of Montanans. We thoroughly enjoy our sport, along with our families, friends, and boat racing fans. We do not believe that this legislation is intended to inhibit our sport, but if this bill is enacted in its current form, it would have a devastating effect on the sport of boat racing in Montana. We request that you disapprove of House Bill 68 as introduced, and offer our cooperation and assistance in making necessary amendments to the proposal.

Respectfully,

Orv Good

Orv Good, Chairman
Region 17
American Power Boat Association

House Bill No. 222
March 26, 1981

9. Page 11, line 4.
Following: "through"
Strike: "5"
Insert: "4"

March 26, 1981

SENATE STANDING COMMITTEE REPORT

(Fish and Game)

That the Statement of Intent be amended to House Bill No. 222 as follows:

A statement of intent is required for this bill because it delegates rulemaking authority to the Department of Fish, Wildlife, and Parks to adopt rules prescribing:

(1) the manner of certification by manufacturers of outboard motors and other marine engines manufactured after January 1, 1982, as having been tested and found to comply with the noise level limit in Section 1;

(2) the testing procedures employed to determine compliance on a voluntary basis by owners of outboard motors and other marine engines manufactured before January 1, 1982.

As prescribed in Section 2 of the bill, the testing procedures employed to determine outboard and marine engine noise shall comply with the exterior sound level measurement procedure for pleasure motorboats recommended by the society of automotive engineers in its recommended practice designated SAEJ34. The department shall establish a program throughout the state whereby boaters can voluntarily have their motorboats checked for compliance with the noise level limit in Section 1.

Section 4 of this bill requires that the Department of Fish, Wildlife, and Parks will issue a permit on an annual basis to the owner of a motorboat that is registered by a bona fide national boat racing association and displaying numbering approved by that association in order to exempt the motorboat from compliance with the noise level limit in Section 1 for the purposes of competing in regattas and testing for competition races. Before issuing the permit, the department shall require proof of registration and displayed numbering by the bona fide national boat racing association. In addition, the department shall determine whether the racing association that the motorboat is registered with is in fact a legitimate nationally recognized boat racing association.

First adopted by the Senate Fish and Game Committee on the 25th day of March, 1981.

March 26, 1981

SENATE STANDING COMMITTEE REPORT

(Fish and Game)

That House Bill No. 222 be amended as follows:

1. Page 1, lines 14 through line 6 on page 2.
   Strike: section 1 in its entirety
   Insert: "Section 1. Maximum noise emissions from motorboats. No motorboat may be operated in or upon the waters of this state if it emits noise that exceeds 86 dbA measured at a distance of 50 feet from the motorboat except those motorboats permitted under the provisions of [section 4]."

2. Page 2, line 11.
   Strike: "levels"
   Insert: "level"

3. Page 2, line 12.
   Following: line 11
   Strike: "subsection (2) of"

4. Page 2, lines 19 through 24.
   Strike: section 3 in its entirety
   Renumber: all subsequent sections

5. Page 2, line 25 through line 16 on page 3.
   Strike: section 4 in its entirety
   Insert: "Section 4. Exceptions. [Sections 1 through 3] do not apply to:
   (1) a motorboat that is:
   (a) registered by a bona fide national boat racing association and displaying numbering approved by that association; and
   (b) authorized by a permit issued on an annual basis by the department.
   (2) a motorboat or boats competing in a regatta that is sanctioned by a bona fide national boat racing association including those motorboats or boats sanctioned by that association for testing for not more than 2 days prior to competition in a regatta.
   (3) a motorboat or airboat operated by legally designated search and rescue units, law enforcement officers, or personnel of a federal, state, or local government agency on emergency duty or in training for emergency duty.
   (4) vessels commonly known as airboats."

6. Page 3, line 22.
   Strike: "5"
   Insert: "4"

7. Page 3, line 24.
   Strike: "5"
   Insert: "4"

8. Page 11, line 2.
   Strike: "5"
   Insert: "4"

2-16-83
HB 222

STATE OF MONTANA

REQUEST NO. 124-81

FISCAL NOTE

Form BD-15

In compliance with a written request received January 16, 19 81, there is hereby submitted a Fiscal Note for House Bill 222 pursuant to Title 5, Chapter 4, Part 2 of the Montana Code Annotated (MCA).

Background information used in developing this Fiscal Note is available from the Office of Budget and Program Planning, to members of the Legislature upon request.

Description of Proposed Legislation

An act to limit noise emmissions from motorboats, providing maximum noise levels, and increasing the motorboat identification fee to $2.00.

Assumptions

That the number of boats to be registered will be approximately 31,000 for FY 1982 and 32,000 for FY 1983.

Fiscal Impact

	FY 1982	FY 1983
Expenditures under proposed law	$31,764	$35,764
Personal Services	24,000	26,000
Operations	10,000	5,000
Total	$65,764	$66,764
Less Expenditures under current law		
Personal Services	$18,764	$18,764
Operations	16,000	16,000
Total	$34,764	$34,764
Increased expenditures under proposed law		
Personal Services	$13,000	$17,000
Operations	8,000	10,000
Equipment	10,000	5,000
Total Cost to State	$31,000	$32,000

Comments

Enactment of House Bill 222 will increase the workload of state game wardens and require the purchase of sound meters. The emission levels in House Bill 222 are in line with federal guidelines.

Airboats are not addressed in the bill, their unique design and operation makes control of noise level extremely difficult and therefore should be exempted.

The Enforcement Division's budget spending authority should be increased $31,000 for FY 1982 and $32,000 for FY 1983 to insure compliance with the new act.

David M. Lewis

BUDGET DIRECTOR
Office of Budget and Program Planning

Date:

The Flagship
a clothing store

219 Main
Polson, MT. 59860
(406) 883-2129

FORMERLY SHENEMANS'

JAMES DUFORD

DICK WOLLIN

January 14, 1983

Montana Senate
Committee for Development of Natural Resources
State Capitol Building
Helena, Montana

Gentlemen:

At the February meeting of the Polson Retail Trade Association we discussed the provisions of House Bill 68 which limits noise emissions for engines manufactured January 1, 1978 and after. As we understand the bill in its present form, it could abolish boat racing in Montana.

As a result of our discussions, our group did approve unanimously the motion that the "Polson Retail Trades Association go on record as opposing House Bill 68 and such opposition be communicated to the Committee for Development of Natural Resources."

Our group did indicate support for the spirit of the bill - to reduce noise emissions on public waters - but not in its present form. The Polson community has supported and promoted a number of Regattas held on the lower end of Flathead Lake. These events have helped to attract large numbers of visitors and tourists to Western Montana and have contributed significantly to the economy of this area. They have provided a wholesome type of recreation for participants and for the thousands of spectators who attend the events. The noise pollution from these events is insignificant in comparison to the benefits received.

We urge that you reject House Bill 68 in its present form.

Yours truly,

Dick Wollin

Dick Wollin
Chairman, Polson Retail Trade Association

NAME: David Thorkelson DATE: 2-16-83

ADDRESS: Box 5505

PHONE: 227-5666

REPRESENTING WHOM? Self

APPEARING ON WHICH PROPOSAL: H.B. 68

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: The Bill #68 I oppose because I think it Infringes on My right to recreate. I bought a boat for $7000.- and now I would have to hamper the performance to make a few people happy. If these people wanted peace & quiet why don't they live in the mountains? I think that these people just can't stand seeing Someone else Enjoying themselves. I would also like to point out the time the noise is offensive.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Steve Flansaas DATE: 2-16-83

ADDRESS: 1327 N. Lamborn

PHONE: 442-8782

REPRESENTING WHOM? Pleasure Boaters

APPEARING ON WHICH PROPOSAL: HB 68

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? X

COMMENTS: I am opposed to this bill because this will be a state law and I see no reason why a group of 30 people from the local lakes can pass a bill for the state. My boat may or may not pass depending on where it is tested. It has various decibal ratings depending on how fast, in the water, at Idle or whatever. If these people want to own the lakes why not sell the lakes and then we would all be in the same boat. If they don't like the noise they can buy a cabin in the hills. These people's lawn mowers are just as loud. We had better put decibal ratings on lawn mowers also. Pleasure boats have just a much right on the lake as the residents do.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

NAME: Jerry Thomas DATE: 2/16/83

ADDRESS: 1703 Highland Helena Mont.

PHONE: 443-3074

REPRESENTING WHOM? Pleasure boaters

APPEARING ON WHICH PROPOSAL: H.B. 68

DO YOU: SUPPORT? _____ AMEND? _____ OPPOSE? ✓

COMMENTS: This bill would limit or stop the privilege to enjoy Montana recreation on lakes, as enjoy by myself & friends by limiting noise emission. The type of boat I own is a jet boat, that if required to meet the noise level would run poorly. I feel it is unfair to infringe on my rights as a Montana citizen by making my boat perform poorly to meet certain noise levels, this boat was not designed to be operated with a noise restriction. It seems to me that a bunch of high rollers that own lakefront cabins on Canyon Ferry Lake should'nt be able to dictate how loud boats in Montana should be. Another point that should be realized is the short season these boats can be operated, around 3 months. so the time a person on the lead would hear this type of boat would be very little.

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY

48TH LEGISLATIVE SESSION

MINUTES OF
NATURAL RESOURCES COMMITTEE
MONTANA STATE SENATE

March 16, 1983

A regularly scheduled meeting of the Senate Natural Resources Committee was called to order at 12:30 p.m. on Wednesday, March 16, 1983 by Senator Harold L. Dover, Chairman, in Room 405, State Capitol, Helena, MT.

ROLL CALL: Roll was called, with a majority of Senators being present, Senator Tveit excused.

HOUSE BILL 228: Chairman Dover opened hearing and called on Rep. Joe Quilici, Dist. 84. Rep. Quilici said this bill had come out of a subcommittee in Business and Industry of the House, and it is to get economic development started in the state. This came about because it was realized that after filing of an application for permits and doing a great deal of work, some agency would change the environmental rules in the middle of the project. It is not saying there can't be a change, but that there is to be consistency and no changing in the middle of the steam. He stated he believed the language at the bottom should be reinserted, possible another word.

PROPONENTS: Janelle Fallan, Montana Chamber of Commerce said they support the bill, industry has complained about changes in environmental regulations. They have a lot of planning and engineering going into projects and the bill should be made stronger.

Don Reed, Montana Environmental Information Center stated they support the bill as amended. Many of the changes which have affected business have come from the federal level. They would support the bill as is, they are not sure there would be a compelling need or overwhelming need provision needed in it.

Mark Ledbetter, Northern Plains Resource Council stated they support the bill as amended, that it is to our advantage to have consistent regulations. The issue has drawn attention because the environmental regulations are still fairly new. There have been federal laws which have had an effect on the laws that are in place in Montana, and putting language back in that was stronger may cause complications.

OPPONENTS: There were no opponents.

(HB 228, cont.)
Senator Halligan stated there has been discussion of this problem in the hard rock mining subcommittee as well. He thought this bill has merits, but it focuses on one problem and perhaps all areas should be addressed.

Senator Eck inquired why the language was struck on other governmental regulations. Rep. Quilici explained it was felt this might affect other agencies with rulemaking ability that have nothing to do with environmental rules, and this might broaden the scope of this bill.

Senator Van Valkenburg suggested reinserting the language and stating that unless there is a showing of a need by clear and convincing evidence, because this would establish burden of proof. Senator Story stated he had suggested using a compelling need because that is a standard usage. Senator Eck then moved that the bill be amended in the proper area to insert "Clear and convincing evidence". All voted 'aye' and motion carried. Ex. '1' attached.

There was then discussion of reinserting further language that had been removed by the House. After further discussion it was agreed that a subcommittee be appointed to work out further amendments to the bill, Senators Van Valkenburg, Keating and to have them work with Howard Johnson, EQC. Executive action would be taken later.

ACTION ON SJR 20: Senator Lee proposed amendments to the bill, attached as Exhibit '2'. That the title be amended, by striking line 7 through "substantive on line 8, and inserting "the methods and means of providing for implementation of the Montana Environmental Policy Act", and striking the remainder of line 25 following "interim" through line 1 on page 2., and inserting "the methods and means of providing for implementation, promotes informed decision making, establishes effective and uniform procedures, encourages public involvement and provides certainty with respect to the procedural and substantive requirements of the Act." Senator Lee moved the amendments. All voted 'aye' and motion carried.

Senator Halligan then moved that SJR 20 be tabled, all voted 'aye' and motion carried.

ACTION ON HOUSE BILL 68: Senator Lee said the subcommittee met on the bill and offered amendments, attached as Exhibit '3'. He said this process would not involve everyone owning boats and there would not need to be noise equipment purchased. The subcommittee had asked Sheriff O'Reilly regarding complaints. He said they only had two calls in four years from people around the lake. Lee asked where complaints were filed?

(HB 68, cont.)
He was told complaints were made to the Fish and Game. Upon asking Fish and Game why they didn't enforce complaints, they said they don't have authority to do so. This amendment would give them authority to do so. It would strike the major part of the bill, and give them power for enforcing the public nuisance and disorderly conduct laws as they apply to operation of motorboats. Senator Lee moved the amendments proposed.

Senator Mohar suggested these amendments would not do what was trying to be done and suggested the amendments to give permits to the power boat racing people. Senator Eck asked to have those explained further. Senator Mohar said these would include language to except a motorboat registered by a bonafide national boat racing association, with permits authorized on an annual basis. Senator Shaw suggested that since the entire bill had to be changed he would move to table the bill. Senator Eck said this matter was discussed two years ago also and needs to be carried out. Senator Lee said the racers weren't excited about the bill, they would rather have killed it, but did work on it.

Senator Lees motion was again repeated, that the bill be amended with substitute bill as presented, and to have an effective date of May 1, 1983, amendments shown on committee report attached. All voted 'aye' and motion carried. Senator Lee then moved to strike the statement of intent, all voted 'aye' and motion carried.

Senator Keating moved that HB 68 Be Concurred In as amended, all voted 'aye' and motion carried.

There being no further business to come before the committee the meeting was duly adjourned at 2:30 p.m.

Harold L. Dover

SENATOR HAROLD L. DOVER, CHAIRMAN
SENATE NATURAL RESOURCES COMMITTEE

Patricia Hatfield

Patricia Hatfield
Committee Secretary

ROLL CALL

SENATE NATURAL RESOURCES COMMITTEE

48th LEGISLATIVE SESSION -- 1983 Date 3-16-83

NAME	PRESENT	ABSENT	EXCUSED
ECK, Dorothy (D)	✓		
HALLIGAN, Mike (D)	✓		
KEATING, Thomas F. (R)	✓		
LEE, Gary P. (R)	✓		
MANNING, Dave (D)	✓		
MOHAR, John (D)			
[illegible] (R)			
[illegible] (R)			
TVEIT, Larry J. (R)			✓
VAN VALKENBURG, Fred (D)	✓		
ETCHART, Mark (R) Vice Chairman	✓		
DOVER, Harold L. (R) Chairman	✓		

Ex. 3
3-16-83
Nat Res.

PROPOSED AMENDMENTS TO HB 68

1. Title, lines 5 through 12.
Following: "MOTORBOATS"
Strike: lines 5 through 12 in their entirety
Insert: "BY AUTHORIZING FISH AND GAME WARDENS (STATE CONSERVATION OFFICERS) THE POWER FOR ENFORCING PUBLIC NUISANCE AND DISORDERLY CONDUCT LAWS AS THEY APPLY TO THE OPERATION OF MOTORBOATS; AMENDING SECTION 87-1-506."

2. Pages 1 through 11.
Strike: all of the bill following the enacting clause.
Insert: Section 1. Section 87-1-506, MCA is amended to read:
"87-1-506. Enforcement powers of wardens. A warden may:
(1) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;
(2) search, without a warrant, any tent not used as a residence, any boat, vehicles, box, locker, basket, creel, crate, game bag, or package or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;
(3) search, with a search warrant, any dwelling house or other building;
(4) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;
(5) seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;
(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;
(7) enforce the disorderly conduct and public nuisance laws (45-8-101 and 45-8-111) as they apply to the operation of motorboats on all waters of the state;
(8) (7) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for violation of those laws or rules.

-END-

(47)
3-16-83
Nat. Res.

Proposed Amendments to Senate Bill 68

1. Page 3, line 7.
Following: line 6.
Insert: " (3) a motorboat registered by a bona fide national boat racing association, displaying numbering approved by that association, and authorized by a permit issued on an annual basis;

Renumber following subsections.

2. page 1, line 21
Following: "manufactured"
Strike: "on or after January 1, 1978, and"

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3.16.83
Nat. Res.

Proposed Amendments to Senate Bill 68 Statement of Intent

1. Page 2, line 5.
Strike: "and"
Insert: "however, permits will be issued on an annual basis to the owner of a motorboat that is registered by a bona fide national boat racing association and displaying numbering approved by that association for the purposes of competing in regattas and testing for competition races. Proof of registration and displayed numbering authorized by a bona fide national boat racing association are required; and"

STANDING COMMITTEE REPORT

March 16 19 83

MR. PRESIDENT:

We, your committee on NATURAL RESOURCES

having had under consideration HOUSE Bill No. 68

Harper (Lee)

Respectfully report as follows: That HOUSE Bill No. 68

third reading copy, be amended as follows:

1. Title, line 5.
Following: "MOTORBOATS"
Strike: remainder of line 5 through "23-2-512" on line 11
Insert: "BY AUTHORIZING FISH AND GAME WARDENS (STATE CONSERVATION OFFICERS) THE POWER FOR ENFORCING PUBLIC NUISANCE AND DISORDERLY CONDUCT LAWS AS THEY APPLY TO THE OPERATION OF MOTORBOATS; AMENDING SECTION 87-1-506,"

2. Title, line 11.
Strike: "A DELAYED"
Insert: "AN"

(cont.)
DO PASS

SEN. HAROLD L. DOVER, Chairman.

STATE PUB. CO.
Helena, Mont.

March 16, 19 83

3. Pages 1 through 11.
Strike: all of the bill following the enacting clause.
Insert: "Section 1. Section 87-1-506, MCA is amended to read:
87-1-506. Enforcement powers of wardens. A warden may:
(1) serve a subpoena issued by a court for the trial of a violator of the fish and game laws;
(2) search, without a warrant, any tent not used as a residence, any boat, vehicles, box, locker, basket, creel, crate, game bag, or package or their contents upon probable cause to believe that any fish and game law or department rule for the protection, conservation, or propagation of game, fish, birds, or fur-bearing animals has been violated;
(3) search, with a search warrant, any dwelling house or other building;
(4) seize game, fish, game birds, and fur-bearing animals and any parts of them taken or possessed in violation of the law or the rules of the department;
(5) seize and hold, subject to law or the orders of the department, devices which have been used to unlawfully take game, fish, birds, or fur-bearing animals;
(6) arrest, in accordance with Title 46, chapter 6, a violator of a fish and game law or rule of the department, violation of which is a misdemeanor;
(7) enforce the disorderly conduct and public nuisance laws (45-8-101 and 45-8-111) as they apply to the operation of motorboats on all waters of the state;
~~(7)~~ (8) exercise the other powers of peace officers in the enforcement of the fish and game laws, the rules of the department, and judgments obtained for violation of those laws or rules.
Section 2. Effective Date. This act is effective May 1, 1983."

4. Statement of Intent, House Bill 68.
Strike: The statement of intent in its entirety

And, as so amended,
BE CONCURRED IN

SENATOR HAROLD L. DOVER, Chairman.

STATE PUB. CO.
Helena, Mont.